

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SEAN HAMER, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

v.

SOURCE REFRIGERATION & HVAC, INC.,
ARSENAL CAPITAL MANAGEMENT LP,
and ARSENAL CAPITAL PARTNERS LP,

Defendants.

Civil Action No. 1:14-CV-570

JURY TRIAL DEMANDED

JOINT MOTION TO DISMISS WITHOUT PREJUDICE

COME NOW, Plaintiff Sean Hamer and Defendants Source Refrigeration & HVAC, Inc., Arsenal Capital Management LP, and Arsenal Capital Partners LP and file this Joint Motion for Dismissal Without Prejudice, and state:

Plaintiff and Defendants have entered into a settlement agreement (the “Agreement”) on February 18, 2015. This dismissal is made pursuant to the parties’ agreement that Hamer and the Hamer opt-ins are allowed to join the *Galeener* action, with tolling of the statute of limitations as set forth in the parties’ agreement in *Galeener*. In light of the Agreement, Plaintiff and Defendants respectfully request that all claims made by Plaintiff against Defendants be dismissed without prejudice to refiling, in whole or in part, and that all costs of court be taxed to the party incurring them.

WHEREFORE, PREMISES CONSIDERED, Plaintiff and Defendants request that all claims made by Plaintiff against Defendants be dismissed without prejudice to their refiling, in whole or in part, and that all costs of court be taxed to the party incurring them.

Dated: February 25, 2015

Respectfully submitted,

/s/ Courtney Stewart

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(b)(1) on February 25, 2015.

/s/ Courtney Stewart
Courtney Stewart

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